

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Add Sections 2.45 and 251.9  
Title 14, California Code of Regulations  
Re: Computer-Assisted Remote Hunting/Fishing

- I. Date of Initial Statement of Reasons: June 3, 2005

- ## II. Dates and Locations of Scheduled Hearings:

- |     |                              |           |                 |
|-----|------------------------------|-----------|-----------------|
| (a) | Notice Hearing:              | Date:     | May 3, 2005     |
|     |                              | Location: | Sacramento      |
| (b) | Discussion/Adoption Hearing: | Date:     | August 19, 2005 |
|     |                              | Location: | San Luis Obispo |

- ### III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

There are currently no definitions or regulations relating specifically to computer-assisted remote hunting/fishing in the Fish and Game Code or Title 14, California Code of Regulations (CCR). The proposed regulation would define computer-assisted remote hunting/fishing and specifically prohibit its use. In addition, the regulation would also prohibit the establishment of an internet, or web-based site, to assist in the taking of birds, mammals or fish.

State and federal wildlife agencies and sport hunting groups promote safe and ethical hunting/fishing practices. This relatively new technology-assisted form of hunting is not adequately addressed in current regulations and is contradictory to accepted ethical hunting practices and safety guidelines.

1. Prohibit The Take of Any Bird, Mammal or Fish With Computer-Assisted Remote Hunting/Fishing

The Fish and Game Code and Title 14, CCR, currently contain regulations that would limit the use of computer-assisted remote hunting/fishing but they do not contain any specific prohibitions against

it. Title 14, CCR sections 311, 353, 475, and 507 currently address the methods of taking game and non-game birds and mammals. Fish and Game Code Section 1052 currently addresses the transferring and possession of hunting and fishing related tags and licenses. Title 14, CCR, sections 2.00, 2.11, 2.12, 2.25, 2.30, 4.05, 5.05, 5.35, and 5.40, regulate the methods for taking fish. There are no specific prohibitions regarding computer-assisted remote hunting/fishing.

The proposed regulations would specifically prohibit the taking of any bird, mammal or fish from within California by computer-assisted remote hunting/fishing. The proposed regulations state it is unlawful to take any bird, mammal or fish in or from this state, by computer-assisted remote hunting/fishing. This language would prohibit the taking of any bird, mammal or fish while a person is within the state while using computer-assisted remote hunting/fishing techniques or equipment from locations outside of the state, and taking any bird, mammal or fish within California.

## 2. Define Computer-Assisted Remote Hunting/Fishing

The Fish and Game Code and Title 14, CCR define take as hunt, kill, catch, capture, or pursue or the attempt to hunt, kill, catch, capture, or pursue. The proposed regulation would define computer-assisted remote hunting/fishing as, “the use of a computer or any other remotely controlled device, equipment, software, or technology, to remotely control the aiming or discharge of any weapon, including, but not limited to, any firearm, bow and arrow, spear, harpoon or any other weapon capable of killing or injuring any bird or mammal or fish, for the purposes of taking any bird, mammal or fish.”

## 3. Prohibit The Establishment and Operation of a Computer-Assisted Remote Hunting/Fishing Site

The proposed regulation would prohibit the establishment and use of a computer-assisted remote hunting/fishing site by stating, “it is unlawful to establish or operate a computer-assisted remote hunting/fishing site for the purpose of taking any bird, mammal or fish from or within this state.”

## 4. Define Computer-Assisted Remote Hunting/Fishing Site

The proposed regulations would define computer-assisted remote hunting/fishing site as “any computer, internet site or web-based device or system, or other electronically operated site or system used to assist in the remote taking of any bird, mammal or fish.”

(b) Authority and Reference Sections:

Authority: Sections 200, 202, 203, 205, 240, Fish and Game Code.

Reference: Sections 200, 202, 203, 205, 240, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

None.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

None

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No other reasonable alternatives exist.

(b) No Change Alternative:

The no change alternative was considered and rejected because current law fails to adequately address the use of this new technology in the field of sport hunting/fishing.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures required by the Regulatory Action:

The proposed regulatory action will have no negative impacts on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action have been assessed, and the following initial determinations to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

## Informative Digest/Policy Statement Overview

With the use of computer-assisted remote hunting/fishing, from anywhere in the world, a person could remotely utilize a computerized system where a shooter can control a camera that has pan, tilt, and zoom features and a firearm or other weapon to shoot/take real living targets in real time.

The system uses a minimum of two cameras, one connected to the rifle scope and another alongside the gun or weapon. The cameras beam images back to a person who is sitting in a remote location looking at a computer screen. The rifle or weapon is mounted atop a pan-tilt motor, which users can control with four arrows, a computer mouse or joy stick, to control the up and down and side to side motion of the weapon. When the target appears in the scope's crosshairs, the user clicks a "fire" button to discharge the impact object (bullet, arrow, spear, etc.).

There are currently no definitions or regulations relating specifically to computer-assisted remote hunting/fishing in the Fish and Game Code or Title 14, California Code of Regulations. The proposed regulation would define computer-assisted remote hunting/fishing and specifically prohibit its use. In addition, the regulation would also prohibit the establishment of an internet, or web-based site, to assist in the taking of birds, mammals or fish.

Physically removing the "hunter/fisher" from the animal he/she is killing can subvert laws governing hunter/fisher age, training and licensing requirements and can subject animals to undue suffering. In addition, the element of a fair chase has always been a part of the American hunting heritage and the use of remote-controlled hunting/fishing is in direct conflict with basic hunting/fishing principles.

The sport hunting group Safari Club International has spoken out against computer-assisted remote hunting and several states including Maine, Oregon, Tennessee, and Virginia, have or are in the process of introducing regulations prohibiting its use.

Although the Department is not aware of any computer-assisted remote fishing sites at this time the language in this proposal is written in anticipation that this technology, currently used for taking birds and mammals, may soon expand to include fishing as well.